IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 538 of 2004

Between:

1. Nathaniel Educational Society, Rep by its Secretary Sri C. Vinaya

Kumar, Flat No. G-5, Orlean Chamber, H.No. 1-4-881, Gandhi Nagar,
Hyderabad - 500 080.

2. Nishitha College of Engineering & Techonology, Lemoor Village, Kandukur Mandal, R.R. Dist.-501 359.

..... PETITIONERS

AND

1. All India Council for Technical Education, Indira Gandhi Sports

Complex, I.P. Estate, New Delhi.
2. Regional Director, Southern Region Office, All India Council for

Technical Education, Chennai.
3 Govt. of A.P. rep by its Principal Secretary,
Higher Education, Secretariat, Hyderabad.
4 Commissioner of Technical Education, Govt. of A.P. B.R.K. Bhavan,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of the State Government in not issuing NOCs for increase in intake in respect of Engineering colleges for the academic year 2004-05 as without jurisdiction, illegal, arbitrary and unjust and direct the respondents 1 and 2 herein to process the application dated 27-10-2003 of the petitioners for grant of additional

courses/increase in intake for the academic year 2004-05 without reference to the cut off date.

Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR

Counsel for the Respondents 3 & 4: G.P. FOR HIGHER EDUCATION

Counsel for the Respondent Nos.1 & 2: Mr. S.S. Prasad, SC for AICTC.

The Court made the following:

ORDER:

This writ petition is filed seeking a declaration that the action of the State Government in not issuing the N.O.Cs for increase in intake in respect of engineering colleges for the academic year 2004-2005 as arbitrary, illegal and without jurisdiction.

2 . Since the academic year 2004-2005 has already commenced, nothing survives for adjudication on merits in this writ petition at this point of time.

3 . Accordingly, the writ petition is dismissed as infructuous. However, the petitioner is granted liberty to institute fresh proceedings with regard to next academic year, urging all the grounds raised in this writ petition, if necessity thereof arises.

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(G. ROHINI,J)

Date: 03.12.2004

Ksn

SPCIAL OFFICER

// TRUE COPY //

To

1. All India Council for Technical Education, Indira Gandhi Sports

Complex, I.P. Estate, New Delhi.
2. Regional Director, Southern Region Office, All India Council for

Technical Education, Chennai.
3 The Principal Secretary, Govt. of A.P.

Higher Education, Secretariat, Hyderabad.
4 Commissioner of Technical Education, Govt. of A.P. B.R.K. Bhavan,

Hyderabad.

5. Two C. Cs to G.P. for Higher Education, High Court Buildings,

Hyderabad (OUT).

6. Two C.D. copies